



February 18, 2022

ENGROSSED HOUSE BILL No. 1107

DIGEST OF HB 1107 (Updated February 16, 2022 8:06 pm - DI 110)

Citations Affected: IC 20-19; IC 20-26; IC 20-28; IC 20-35; noncode.

Synopsis: Various education matters. Provides that a public agency shall not require, as part of a resolution of a due process hearing or a dispute relating to the provision of special education services to a particular student, that a parent of a student or an emancipated student enter into a nondisclosure, nondisparagement, or confidentiality agreement or clause. Provides that the department of education (department) shall establish and maintain a data base of information relating to issues addressed in due process proceedings. Requires that, on or before August 1, 2023, and each August 1 thereafter, the department shall submit a report to the state advisory council on the education of children with disabilities that summarizes the information reported in the data base for the most recent school year. Provides that in the event that a case conference committee discusses the appointment of a guardian for the student upon completion of high school, the case conference committee shall also include a discussion of alternative options or programs for the student in lieu of the
(Continued next page)

Effective: Upon passage; July 1, 2022.

Clere, Behning, Goodrich, Pfaff

(SENATE SPONSORS — KRUSE, WALKER K, BALDWIN)

January 4, 2022, read first time and referred to Committee on Education.

January 20, 2022, amended, reported — Do Pass.

January 24, 2022, read second time, ordered engrossed. Engrossed.

January 25, 2022, read third time, passed. Yeas 57, nays 33.

SENATE ACTION

February 1, 2022, read first time and referred to Committee on Education and Career Development.

February 17, 2022, amended, reported favorably — Do Pass.

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appointment of a guardian. Requires the department to establish and maintain on the department's Internet web site a public data base of information concerning employees of each public school who were physically injured while on the job by students of the public school. Requires each public school to provide certain information concerning an employee of the public school who was physically injured while on the job by a student of the public school. Requires a teacher preparation program to include content within the curriculum regarding conflict deescalation techniques and conflict prevention and intervention strategies. Provides that each school corporation and charter school that receives or has received funds from the Elementary and Secondary School Emergency Relief Fund (ESSER funds) may prioritize the use of any ESSER funds for certain programs. Requires the commission for higher education (commission), in cooperation with Ivy Tech Community College, Vincennes University, and the family and social services administration's office of early and out-of-school learning, to conduct a study regarding provision of child care services on the campuses of Indiana community colleges. Requires the commission to submit a report regarding the study not later than October 15, 2022, to specified standing committees of the general assembly and to the governor's workforce cabinet.



February 18, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1107

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-19-3-24.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2022]: **Sec. 24.5. The department shall**
4 **establish and maintain on the department's Internet web site a**
5 **public data base of information provided by each public school in**
6 **accordance with IC 20-26-5-42 concerning employees of each**
7 **public school who were physically injured while on the job by**
8 **students of the public school.**
9 SECTION 2. IC 20-26-5-34.2, AS AMENDED BY P.L.92-2020,
10 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2022]: Sec. 34.2. **(a)** A school corporation shall provide
12 training to the school corporation's employees and volunteers who have
13 direct, ongoing contact with students concerning the school's bullying
14 prevention and reporting policy adopted under IC 20-33-8-13.5.
15 **(b) The training under this section may include training on**

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conflict:

(1) deescalation techniques; and

(2) prevention and intervention strategies.

(c) The training shall be conducted in a manner prescribed by the state board under IC 20-28-5.5-1.

SECTION 3. IC 20-26-5-42 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 42. (a) This section applies to the following:**

(1) A public school, including a charter school.

(2) Physical injuries that occur after June 30, 2022.

(b) Each public school shall provide to the department, in a manner prescribed by the department, information concerning an employee of the public school who was physically injured while on the job by a student of the public school if the injury:

(1) is required to be reported to the public school's worker's compensation carrier;

(2) causes the employee to miss all or part of one (1) or more work days; or

(3) is required to be reported to the public school pursuant to the public school's reporting policy.

(c) A public school may not provide information under subsection (b) that identifies the employee or the student.

(d) Nothing in this section shall be construed to prohibit a public school from providing identifying information otherwise required by law or rule.

SECTION 4. IC 20-26-5-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 43. (a)** As used in this section, "ESSER funds" refers to funds awarded from the Elementary and Secondary School Emergency Relief Fund.

(b) Each school corporation and charter school that receives or has received ESSER funds may prioritize the use of any ESSER funds the school corporation or charter school has or receives to fund a program that addresses out of school factors that affect student learning by providing support services or assistance to students or connecting students with support services or assistance, including the following:

(1) Housing assistance.

(2) Healthcare assistance.

(3) Nutrition assistance.

(4) Academic tutoring services.

(5) After school enrichment programs.



(6) Counseling services.

(c) This section expires July 1, 2026.

SECTION 5. IC 20-28-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 5.5. A teacher preparation program shall include content within the curriculum regarding conflict:**

(1) deescalation techniques; and

(2) prevention and intervention strategies.

SECTION 6. IC 20-28-3-6, AS AMENDED BY P.L.92-2020, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 6. (a)** For purposes of this section, "teacher" includes the following:

(1) A superintendent who holds a license under IC 20-28-5.

(2) A principal.

(3) A teacher.

(4) A librarian.

(5) A school counselor.

(6) A school psychologist.

(7) A school nurse.

(8) A school social worker.

(b) ~~Beginning after June 30, 2018,~~ Each school corporation, charter school, and state accredited nonpublic school:

(1) shall require all teachers; and

(2) may require any other appropriate school employees; who are employed at schools that provide instruction to students in any combination of grade 5, 6, 7, 8, 9, 10, 11, or 12 to attend or participate in research based inservice youth suicide awareness and prevention training in a manner prescribed by the state board under IC 20-28-5.5-1. The training required under this subsection must be during the teacher's or school employee's contracted day or at a time chosen by the teacher or employee.

(c) The inservice training required under this section shall count toward the requirements for professional development required by the governing body.

(d) A school or school corporation may leverage any:

(1) existing or new state and federal grant funds; or

(2) free or reduced cost evidence based youth suicide awareness and prevention training provided by any state agency or qualified statewide or local organization;

to cover the costs of the training required under this section.

(e) The training under this section may include training on conflict:



(1) deescalation techniques; and

(2) prevention and intervention strategies.

SECTION 7. IC 20-35-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) This section applies to a case conference committee for a student in grades 8 through 12.

(b) At a case conference committee meeting, the committee shall start addressing decision making skills, which shall include a discussion of supported decision making and other alternative options or programs for the student in lieu of the appointment of a guardian and whether these options are necessary. The case conference committee shall include in the individualized education program or a plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794 notes relating to the discussion of alternative options or programs.

SECTION 8. IC 20-35-6-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5.5. (a) Subject to subsection (b), a school corporation or charter school shall submit settlement agreements to the department. The department shall establish and maintain a data base that includes the following:

(1) The type of issues that are identified by the parent at the time the parent initiates due process proceedings.

(2) The types of issues addressed, either explicitly or implicitly, in a manner prescribed by the department, as part of a settlement resulting from a due process proceeding initiated or participated in by a parent.

(b) Nothing in this section shall be construed as to require the disclosure of a student's personal identifiable information.

(c) On or before August 1, 2023, and each August 1 thereafter, the department shall submit a report to the state advisory council on the education of children with disabilities appointed under IC 20-35-3-1, that summarizes the information reported under subsection (a) for the most recent school year.

SECTION 9. IC 20-35-6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) A public agency (as defined in 511 IAC 7-32-77) shall not require as part of a resolution of:

(1) a due process hearing (as defined in 511 IAC 7-32-27); or

(2) a dispute relating to the provision of special education services to a particular student;

that a parent of a student or an emancipated student enter into or



1 agree to a nondisclosure, nondisparagement, or confidentiality
2 agreement or clause.

3 (b) The case conference committee shall at least annually
4 provide the parent of the student or the emancipated student a
5 copy of this section.

6 (c) The department shall include the rights provided to a parent
7 of a student or an emancipated student under subsection (a) on the
8 department's Internet web site to be located with information
9 describing a parent's or an emancipated student's due process
10 hearing rights.

11 SECTION 10. [EFFECTIVE JULY 1, 2022] (a) As used in this
12 SECTION, "commission" refers to the commission for higher
13 education established under IC 21-18-2.

14 (b) The commission, in cooperation with:

15 (1) Ivy Tech Community College of Indiana;

16 (2) Vincennes University; and

17 (3) the office of early and out-of-school learning of the family
18 and social services administration;

19 shall conduct a study regarding provision of child care services on
20 the campuses of Indiana community colleges.

21 (c) In conducting the study under subsection (b), the commission
22 shall do the following:

23 (1) Gather information regarding:

24 (A) the child care needs of both students and faculty of
25 Indiana community colleges, including:

26 (i) the expressed demand for on-campus child care
27 services;

28 (ii) the number of potential users of on-campus child
29 care services;

30 (iii) the hours during which the need for child care
31 services is greatest for both students and faculty; and

32 (iv) the resources needed to meet the needs of all
33 children, including children with disabilities or special
34 medical needs;

35 at each community college campus;

36 (B) existing child care partnerships entered into by Ivy
37 Tech Community College of Indiana and Vincennes
38 University; and

39 (C) policies or programs that exist in other states to
40 facilitate the provision of child care services to students
41 and faculty at community colleges.

42 (2) Solicit input from community service providers, child care



1 providers, advocates for low income populations, and local
 2 chambers of commerce and other business organizations.

3 (d) Not later than October 15, 2022, the commission shall
 4 transmit a report describing the results of the study conducted
 5 under subsection (b) to the following:

6 (1) The director of the legislative services agency, for
 7 distribution to the members of the following standing
 8 committees of the general assembly:

9 (A) The house committee on ways and means.

10 (B) The senate committee on appropriations.

11 (C) The house committee on education.

12 (D) The senate committee on education and career
 13 development.

14 (E) The house committee on family, children, and human
 15 affairs.

16 (F) The senate committee on family and children services.

17 (2) The governor's workforce cabinet.

18 The report submitted under subdivision (1) must be submitted in
 19 an electronic format under IC 5-14-6.

20 (e) The report submitted under subsection (d) must include
 21 recommendations regarding the following:

22 (1) Possible means by which the state can support
 23 partnerships between community colleges and child care
 24 providers.

25 (2) The role local business communities can play in facilitating
 26 partnerships between community colleges and child care
 27 providers.

28 (3) Suggested practices by which community colleges can seek
 29 and establish partnerships to facilitate the provision of
 30 on-campus child care services.

31 (f) This SECTION expires December 31, 2022.

32 SECTION 11. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1107, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 6 with "[EFFECTIVE UPON PASSAGE]".

Page 2, delete lines 15 through 32.

Page 2, line 39, delete "must" and insert "**may**".

Page 3, delete lines 8 through 11, begin a new paragraph and insert:

"(b) Each public school shall provide to the department, in a manner prescribed by the department, information concerning an employee of the public school who was physically injured while on the job by a student of the public school if the injury:

(1) is required to be reported to the public school's worker's compensation carrier;

(2) causes the employee to miss all or part of one (1) or more work days; or

(3) is required to be reported to the public school pursuant to the public school's reporting policy."

Page 3, line 24, delete "school, after June 30, 2022," and insert "**school**".

Page 4, line 32, delete "must" and insert "**may**".

Page 5, line 4, delete "plan or" and insert "**program or**".

Page 5, line 10, delete "7-32-27)." and insert "**7-32-27) and expedited due process hearing (as defined in 511 IAC 7-32-37).**".

Page 5, delete lines 11 through 17, begin a new paragraph and insert:

"(b) In the event a parent agrees to participate in a:

(1) mediation (as defined in 511 IAC 7-45-2); or

(2) facilitated individualized education program (IEP) meeting through the department;

and subsequently initiates a due process hearing (as defined in 511 IAC 7-32-27), a public agency (as defined in 511 IAC 7-32-77) shall have the burden of proof at the subsequent due process hearing (as defined in 511 IAC 7-32-27), including the burden of persuasion and production. The burden must be met by a preponderance of the evidence.

(c) A public agency (as defined in 511 IAC 7-32-77) shall have the burden of proof, including the burden of persuasion and production, for all expedited due process hearings (as defined in 511 IAC 7-32-37), regardless of whether a mediation (as defined in



511 IAC 7-45-2) or facilitated individualized education program (IEP) meeting was initiated before filing for the expedited due process hearing (as defined in 511 IAC 7-32-37). The burden must be met by a preponderance of the evidence.

(d) The notice of procedural safeguards required under 511 IAC 7-37-1 shall include a description of the requirements established by this section.

SECTION 11. IC 20-35-6-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 5.5. (a) Subject to subsection (b), a school corporation or charter school shall submit settlement agreements to the department. The department shall establish and maintain a data base that includes the following:**

(1) The type of issues that are identified by the parent at the time the parent initiates due process proceedings.

(2) The types of issues addressed, either explicitly or implicitly, in a manner prescribed by the department, as part of a settlement resulting from a due process proceeding initiated or participated in by a parent.

(3) The types of issues that are addressed in a due process hearing described in section 5 of this chapter.

(b) Nothing in this section shall be construed as to require the disclosure of a student's personal identifiable information.

(c) On or before August 1, 2023, and each August 1 thereafter, the department shall submit a report to the state advisory council on the education of children with disabilities appointed under IC 20-35-3-1, that summarizes the information reported under subsection (a) for the most recent school year."

Page 5, delete lines 36 through 42.

Page 6, delete lines 1 through 36.

Page 7, delete lines 21 through 42.

Delete pages 8 through 10.

Page 11, delete lines 1 through 10.

Page 11, line 29, delete "and".

Page 11, line 31, after "faculty;" insert "**and**".

Page 11, between lines 31 and 32, begin a new line triple block indented and insert:

"(iv) the resources needed to meet the needs of all children, including children with disabilities or special medical needs;"



Page 12, after line 28, begin a new paragraph and insert:
 "SECTION 17. **An emergency is declared for this act.**".
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1107 as introduced.)

BEHNING

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15.
 Page 2, delete lines 1 through 6.
 Page 2, line 7, delete "IC 20-19-3-25" and insert "IC 20-19-3-24.5".
 Page 2, line 9, delete "25." and insert "**24.5.**".
 Page 3, line 11, delete "shall" and insert "**may**".
 Page 4, delete lines 37 through 42.
 Page 5, delete lines 1 through 20.
 Page 5, delete lines 33 through 34.
 Page 6, delete lines 18 through 42.
 Page 7, delete line 1.
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1107 as printed January 20, 2022.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 3.

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